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North America Corporation*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC

MDL No. 1917

Individual Case No. 3:14-cv-02510

VIEWSONIC CORPORATION,

Plaintiff,

v.

CHUNGHWA PICTURE TUBES, LTD., ET AL.,

Defendants.

**ANSWER OF PHILIPS ELECTRONICS
NORTH AMERICA CORPORATION
TO VIEWSONIC CORPORATION'S
COMPLAINT**

MDL 1917

Defendant Philips Electronics North America Corporation (“PENAC”), by and through its undersigned counsel of record, answers Viewsonic Corporation’s (“Plaintiff”) Complaint (the “Complaint”) and alleges additional or affirmative defenses as follows. PENAC denies each and every allegation in the Complaint’s section headings asserted herein and in all portions of the Complaint not contained in numbered paragraphs. To the extent that the Complaint’s allegations concern persons and/or entities other than PENAC, PENAC denies that such allegations support any claim for relief against PENAC. PENAC denies any allegations not explicitly admitted herein.

I. INTRODUCTION¹

1. To the extent that the allegations in Paragraph 1 state legal contentions, no response is required. To the extent that the allegations in Paragraph 1 are definitional, no response is required. PENAC avers that the use of the terms “CPTs,” “CDTs,” and “CRTs,” which improperly conflate numerous distinct and non-substitutable products (of, among other things, various sizes, qualities, uses, technologies, and products at different points in the production chain) together, renders the allegations of the Complaint indefinite and uncertain. To the extent that the allegations in Paragraph 1 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 1 relate to PENAC, PENAC denies all of the allegations.

2. PENAC avers that the use of the term “CRTs,” which improperly conflate numerous distinct and non-substitutable products (of, among other things, various sizes, qualities, uses, technologies, and products at different points in the production chain) together, renders the allegations in Paragraph 2 indefinite and uncertain. To the extent that the allegations in Paragraph 2 state legal contentions, no response is required. To the extent that the allegations in Paragraph 2 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 2 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as

¹ The Headings in this Answer correspond to the headings in the Complaint for ease of reference.

1 to their truth and, on that basis, denies them. To the extent the allegations in Paragraph 2 relate to
2 PENAC, PENAC denies all of the allegations. PENAC denies that Plaintiff is entitled to any
3 relief under any theory by means of the allegations set forth in the Complaint and alleged in
4 Paragraph 2.

5 3. To the extent that the allegations in Paragraph 3 state legal contentions, no
6 response is required. To the extent that the allegations in Paragraph 3 relate to other defendants,
7 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
8 basis, denies them. To the extent the allegations in Paragraph 3 relate to PENAC, PENAC denies
9 all of the allegations.

10 4. To the extent that the allegations in Paragraph 4 state legal contentions, no
11 response is required. To the extent that the allegations in Paragraph 4 relate to other defendants,
12 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
13 basis, denies them. To the extent the allegations in Paragraph 4 relate to PENAC, PENAC denies
14 all of the allegations.

15 5. To the extent that the allegations in Paragraph 5 and its subparts state legal
16 contentions, no response is required. To the extent that the allegations in Paragraph 5 and its
17 subparts relate to other defendants, PENAC lacks knowledge or information sufficient to form a
18 belief as to their truth and, on that basis, denies them. To the extent the allegations in Paragraph 5
19 and its subparts relate to PENAC, PENAC denies all of the allegations.

20 6. To the extent that the allegations in Paragraph 6 state legal contentions, no
21 response is required. To the extent that the allegations in Paragraph 6 relate to other defendants,
22 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
23 basis, denies them. To the extent the allegations in Paragraph 6 relate to PENAC, PENAC denies
24 all of the allegations.

25 7. To the extent that the allegations in Paragraph 7 state legal contentions, no
26 response is required. PENAC lacks knowledge or information sufficient to form a belief as to the
27 truth of any remaining allegations in Paragraph 7 and, on that basis, denies them.

8. To the extent that the allegations in Paragraph 8 relate to other defendants, PENAC lacks knowledge or information to form a belief as to their truth and, on that basis, denies them. PENAC admits that government authorities in the United States and other countries have commenced investigations of the CRT industry, the details of which are matters of public record and such records speak for themselves. PENAC admits that an indictment was issued against C.Y. Lin, the details of which are matters of public record and such records speak for themselves. PENAC admits that other individuals have been indicted by the DOJ, the details of which are matters of public record and such records speak for themselves.

9. To the extent that the allegations in Paragraph 9 refer to public statements and filings by government authorities, those statements and filings speak for themselves and no response is required. To the extent that the allegations in Paragraph 9 relate to other defendants, PENAC lacks knowledge or information to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 9 relate to PENAC, PENAC denies them.

10. PENAC avers that the use of the term “CRTs,” which improperly conflate numerous distinct and non-substitutable products (of, among other things, various sizes, qualities, uses, technologies, and products at different points in the production chain) together, renders the allegations in Paragraph 10 indefinite and uncertain. To the extent that the allegations in Paragraph 10 state legal contentions, no response is required. To the extent that the allegations in Paragraph 10 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 10 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent the allegations in Paragraph 10 relate to PENAC, PENAC denies all of the allegations. PENAC denies that Plaintiff is entitled to any relief under any theory by means of the allegations set forth in the Complaint and alleged in Paragraph 10.

II. ALLEGATIONS CONCERNING JURISDICTION AND VENUE

11. PENAC avers that the use of the term “CRTs,” which improperly conflate

1 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
2 uses, technologies, and products at different points in the production chain) together, renders the
3 allegations in Paragraph 11 indefinite and uncertain. PENAC admits that Plaintiff purports to
4 bring this action to obtain injunctive relief under Section 16 of the Clayton Act, and to recover
5 damages for alleged violations of Section 1 of the Sherman Act (15 U.S.C. § 1), but denies that
6 Plaintiff is entitled to any relief under those statutes.

7 12. The allegations in Paragraph 12 regarding jurisdiction constitute legal contentions
8 to which no response is required. To the extent that the allegations in Paragraph 12 require a
9 response, PENAC denies that this district has subject matter jurisdiction based on the conduct of
10 PENAC as alleged in the Complaint.

11 13. The allegations in Paragraph 13 regarding jurisdiction constitute legal contentions
12 to which no response is required. PENAC avers that the use of the term “CRTs,” which
13 improperly conflate numerous distinct and non-substitutable products (of, among other things,
14 various sizes, qualities, uses, technologies, and products at different points in the production
15 chain) together, renders the allegations in Paragraph 13 indefinite and uncertain. To the extent
16 that a response is required and the allegations in Paragraph 13 relate to other defendants, PENAC
17 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
18 denies them. To the extent that a response is required and the allegations in Paragraph 13 relate
19 to PENAC, PENAC denies these allegations.

20 14. The allegations in Paragraph 14 regarding jurisdiction constitute legal contentions
21 to which no response is required. To the extent that a response is required and the allegations in
22 Paragraph 14 relate to other defendants, PENAC lacks knowledge or information sufficient to
23 form a belief as to their truth and, on that basis, denies them. To the extent that a response is
24 required and the allegations in Paragraph 14 relate to PENAC, PENAC denies that this district
25 has subject matter jurisdiction based on the conduct of PENAC as alleged in the Complaint.

26 15. The allegations in Paragraph 15 regarding venue constitute legal contentions to
27 which no response is required. To the extent that a response is required and the allegations in
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1 Paragraph 15 relate to other defendants, PENAC lacks knowledge or information sufficient to
2 form a belief as to their truth and, on that basis, denies them. To the extent that a response is
3 required and the allegations in Paragraph 15 relate to PENAC, PENAC denies these allegations
4 and denies that venue lies in this Court based on the conduct of PENAC as alleged in the
5 Complaint.

6 **III. ALLEGATIONS CONCERNING THE PARTIES**

7 16. PENAC avers that the use of the term “CRTs,” which improperly conflate
8 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
9 uses, technologies, and products at different points in the production chain) together, renders the
10 allegations in Paragraph 16 indefinite and uncertain. To the extent that the allegations in
11 Paragraph 16 state legal contentions, no response is required. To the extent that the allegations in
12 Paragraph 16 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a
13 belief as to their truth and, on that basis, denies them. To the extent that the allegations in
14 Paragraph 16 relate to other defendants, PENAC lacks knowledge or information sufficient to
15 form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in
16 Paragraph 16 relate to PENAC, PENAC denies them.

17 17. PENAC avers that the use of the term “CRTs,” which improperly conflate
18 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
19 uses, technologies, and products at different points in the production chain) together, renders the
20 allegations in Paragraph 17 indefinite and uncertain. To the extent that the allegations in
21 Paragraph 17 state legal contentions, no response is required. To the extent that the allegations in
22 Paragraph 17 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a
23 belief as to their truth and, on that basis, denies them. PENAC otherwise denies all allegations in
24 Paragraph 17.

25 18. The allegations in Paragraph 18 are not directed at PENAC and, therefore, no
26 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
27 belief as to the truth of the allegations in Paragraph 18 and, on that basis, denies them.

1 19. The allegations in Paragraph 19 are not directed at PENAC and, therefore, no
2 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
3 belief as to the truth of the allegations in Paragraph 19 and, on that basis, denies them.

4 20. The allegations in Paragraph 20 are not directed at PENAC and, therefore, no
5 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
6 belief as to the truth of the allegations in Paragraph 20 and, on that basis, denies them.

7 21. The allegations in Paragraph 21 are an explanation of terminology, for which no
8 response is required.

9 22. To the extent that the allegations in Paragraph 22 state legal contentions, no
10 response is required. PENAC admits that in 2001, LG.Philips Displays was formed when LG
11 Electronics, Inc. transferred its entire CRT business and Koninklijke Philips N.V. ("KPNV")
12 transferred its entire CRT business into the 50/50 CRT joint venture. The remaining allegations
13 in Paragraph 22 are not directed at PENAC and, therefore, no response is required. PENAC
14 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
15 remaining allegations in Paragraph 22 and, on that basis, denies them.

16 23. The allegations in Paragraph 23 are not directed at PENAC and, therefore, no
17 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
18 belief as to the truth of the allegations in Paragraph 23 and, on that basis, denies them.

19 24. The allegations in Paragraph 24 are an explanation of terminology, for which no
20 response is required.

21 25. To the extent that the allegations in Paragraph 25 state legal contentions, no
22 response is required. PENAC admits that in 2001, LG.Philips Displays was formed when LG
23 Electronics, Inc. transferred its entire CRT business and KPNV transferred its entire CRT
24 business into the 50/50 independent joint venture. To the extent the allegations in Paragraph 25
25 are not directed at PENAC, no response is required. PENAC otherwise lacks knowledge or
26 information sufficient to form a belief as to the truth of the allegations in Paragraph 25 and, on
27 that basis, denies them.

1 26. The allegations in Paragraph 26 are not directed at PENAC and, therefore, no
2 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
3 belief as to the truth of the allegations in Paragraph 26 and, on that basis, denies them.

4 27. The allegations in Paragraph 27 are not directed at PENAC and, therefore, no
5 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
6 belief as to the truth of the allegations in Paragraph 27 and, on that basis, denies them.

7 28. The allegations in Paragraph 28 are an explanation of terminology, for which no
8 response is required.

9 29. The allegations in Paragraph 29 are not directed at PENAC and, therefore, no
10 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
11 belief as to the truth of the allegations in Paragraph 29 and, on that basis, denies them.

12 30. The allegations in Paragraph 30 are not directed at PENAC and, therefore, no
13 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
14 belief as to the truth of the allegations in Paragraph 30 and, on that basis, denies them.

15 31. To the extent that the allegations in Paragraph 31 state legal contentions, no
16 response is required. To the extent that the allegations in Paragraph 31 relate to other defendants,
17 PENAC lacks knowledge or information sufficient to form a belief as to their truth, and, on that
18 basis, denies them. PENAC admits that KPNV is a Dutch entity with its principal place of
19 business at Breitner Center, Amstelplein 2, 1096 BC Amsterdam, The Netherlands, but avers that
20 KPNV legally changed its corporate name to Koninklijke Philips N.V. from Koninklijke Philips
21 Electronics N.V. PENAC admits that Philips & Co. was founded in 1891 but denies the
22 remaining allegations found in the second and third sentences of Paragraph 31. PENAC admits
23 that in 2001, LG.Philips Displays was formed when LG Electronics, Inc. transferred its entire
24 CRT business and KPNV transferred its entire CRT business into the 50/50 joint venture.
25 PENAC denies that it manufactured, marketed, sold and/or distributed CRTs on behalf of KPNV
26 in the United States. PENAC denies any remaining allegations in Paragraph 31.

27 32. PENAC admits that it is a Delaware corporation with its principal place of
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1 business at 3000 Minuteman Rd., Andover, MA 01810. PENAC admits that it is an indirect
2 subsidiary of KPNV. Owing to the vagueness of “CRTs,” PENAC denies the third sentence of
3 Paragraph 32. PENAC denies that KPNV dominated or controlled its finances, policies, and
4 affairs. KPNV denies any remaining allegations in Paragraph 32.

5 33. The allegations in Paragraph 33 are not directed at PENAC, and therefore no
6 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
7 belief as to the truth of the allegations in Paragraph 33 and, on that basis, denies them.

8 34. The allegations in Paragraph 34 are not directed at PENAC, and therefore no
9 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
10 belief as to the truth of the allegations in Paragraph 34 and, on that basis, denies them.

11 35. The allegations in Paragraph 35 are an explanation of terminology, for which no
12 response is required. PENAC avers, however, that Paragraph 35 renders the Complaint indefinite
13 and uncertain as to PENAC.

14 36. The allegations in Paragraph 36 are not directed at PENAC and, therefore, no
15 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
16 belief as to the truth of the allegations in Paragraph 36 and, on that basis, denies them.

17 37. The allegations in Paragraph 37 are not directed at PENAC and, therefore, no
18 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
19 belief as to the truth of the allegations in Paragraph 37 and, on that basis, denies them.

20 38. The allegations in Paragraph 38 are not directed at PENAC and, therefore, no
21 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
22 belief as to the truth of the allegations in Paragraph 38 and, on that basis, denies them.

23 39. The allegations in Paragraph 39 are not directed at PENAC and, therefore, no
24 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
25 belief as to the truth of the allegations in Paragraph 39 and, on that basis, denies them.

26 40. The allegations in Paragraph 40 are not directed at PENAC and, therefore, no
27 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
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1 belief as to the truth of the allegations in Paragraph 40 and, on that basis, denies them.

2 41. The allegations in Paragraph 41 are not directed at PENAC and, therefore, no
3 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
4 belief as to the truth of the allegations in Paragraph 41 and, on that basis, denies them.

5 42. The allegations in Paragraph 42 are not directed at PENAC and, therefore, no
6 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
7 belief as to the truth of the allegations in Paragraph 42 and, on that basis, denies them.

8 43. The allegations in Paragraph 43 are an explanation of terminology, for which no
9 response is required.

10 44. The allegations in Paragraph 44 are not directed at PENAC and, therefore, no
11 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
12 belief as to the truth of the allegations in Paragraph 44 and, on that basis, denies them.

13 45. The allegations in Paragraph 45 are not directed at PENAC and, therefore, no
14 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
15 belief as to the truth of the allegations in Paragraph 45 and, on that basis, denies them.

16 46. The allegations in Paragraph 46 are not directed at PENAC and, therefore, no
17 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
18 belief as to the truth of the allegations in Paragraph 46 and, on that basis, denies them.

19 47. The allegations in Paragraph 47 are not directed at PENAC and, therefore, no
20 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
21 belief as to the truth of the allegations in Paragraph 47 and, on that basis, denies them.

22 48. The allegations in Paragraph 48 are not directed at PENAC and, therefore, no
23 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
24 belief as to the truth of the allegations in Paragraph 48 and, on that basis, denies them.

25 49. The allegations in Paragraph 49 are not directed at PENAC and, therefore, no
26 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
27 belief as to the truth of the allegations in Paragraph 49 and, on that basis, denies them.

1 50. The allegations in Paragraph 50 are not directed at PENAC and, therefore, no
2 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
3 belief as to the truth of the allegations in Paragraph 50 and, on that basis, denies them.

4 51. The allegations in Paragraph 51 are an explanation of terminology, for which no
5 response is required.

6 52. The allegations in Paragraph 52 are not directed at PENAC and, therefore, no
7 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
8 belief as to the truth of the allegations in Paragraph 52 and, on that basis, denies them.

9 53. The allegations in Paragraph 53 are not directed at PENAC and, therefore, no
10 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
11 belief as to the truth of the allegations in Paragraph 53 and, on that basis, denies them.

12 54. To the extent that the allegations in Paragraph 54 are an explanation of
13 terminology, no response is required. The allegations in Paragraph 54 also are not directed at
14 PENAC and, therefore, no response is required. PENAC otherwise lacks knowledge or
15 information sufficient to form a belief as to the truth of the allegations in Paragraph 54 and, on
16 that basis, denies them.

17 55. The allegations in Paragraph 55 are not directed at PENAC and, therefore, no
18 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
19 belief as to the truth of the allegations in Paragraph 55 and, on that basis, denies them.

20 56. The allegations in Paragraph 56 are not directed at PENAC and, therefore, no
21 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
22 belief as to the truth of the allegations in Paragraph 56 and, on that basis, denies them.

23 57. The allegations in Paragraph 57 are not directed at PENAC and, therefore, no
24 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
25 belief as to the truth of the allegations in Paragraph 57 and, on that basis, denies them.

26 58. The allegations in Paragraph 58 are not directed at PENAC and, therefore, no
27 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
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1 belief as to the truth of the allegations in Paragraph 58 and, on that basis, denies them.

2 59. The allegations in Paragraph 59 are an explanation of terminology, for which no
3 response is required.

4 60. The allegations in Paragraph 60 are not directed at PENAC and, therefore, no
5 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
6 belief as to the truth of the allegations in Paragraph 60 and, on that basis, denies them.

7 61. The allegations in Paragraph 61 are not directed at PENAC and, therefore, no
8 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
9 belief as to the truth of the allegations in Paragraph 61 and, on that basis, denies them.

10 62. The allegations in Paragraph 62 are not directed at PENAC and, therefore, no
11 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
12 belief as to the truth of the allegations in Paragraph 62 and, on that basis, denies them.

13 63. The allegations in Paragraph 63 are an explanation of terminology, for which no
14 response is required.

15 **IV. ALLEGATIONS CONCERNING AGENTS AND CO-CONSPIRATORS**

16 64. The allegations of Paragraph 64 state legal contentions to which no response is
17 required. To the extent a response is required and the allegations in Paragraph 64 relate to other
18 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
19 and, on that basis, denies them. To the extent a response is required and the allegations in
20 Paragraph 64 relate to PENAC, PENAC denies all of the allegations.

21 65. The allegations in Paragraph 65 are ambiguous and/or unintelligible. To the extent
22 that the allegations in Paragraph 65 state legal contentions, no response is required. To the extent
23 a response is required and the allegations in Paragraph 65 relate to other defendants, PENAC
24 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
25 denies them. To the extent a response is required and the allegations in Paragraph 65 relate to
26 PENAC, PENAC denies all of the allegations.

27 66. The allegations in Paragraph 66 are not directed at PENAC and, therefore, no

1 response is required. Additionally, the allegations in Paragraph 66 state legal contentions, for
2 which no response is required. PENAC otherwise lacks knowledge or information sufficient to
3 form a belief as to the truth of the allegations in Paragraph 66 and, on that basis, denies them.

4 67. The allegations in Paragraph 67 are not directed at PENAC and, therefore, no
5 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
6 belief as to the truth of the allegations in Paragraph 67 and, on that basis, denies them.

7 68. The allegations in Paragraph 68 are an explanation of terminology, for which no
8 response is required.

9 69. The allegations in Paragraph 69 are not directed at PENAC and, therefore, no
10 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
11 belief as to the truth of the allegations in Paragraph 69 and, on that basis, denies them.

12 70. The allegations in Paragraph 70 are not directed at PENAC and, therefore, no
13 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
14 belief as to the truth of the allegations in Paragraph 70 and, on that basis, denies them.

15 71. The allegations in Paragraph 71 are not directed at PENAC and, therefore, no
16 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
17 belief as to the truth of the allegations in Paragraph 71 and, on that basis, denies them.

18 72. The allegations of Paragraph 72 state legal contentions to which no response is
19 required. To the extent a response is required and the allegations in Paragraph 72 relate to other
20 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
21 and, on that basis, denies them. To the extent a response is required and the allegations in
22 Paragraph 72 relate to PENAC, PENAC denies all of the allegations.

23 **V. ALLEGATIONS CONCERNING TRADE AND COMMERCE**

24 73. The allegations in Paragraph 73 regarding “continuous and uninterrupted flow of
25 interstate commerce and foreign commerce” are legal contentions to which no response is
26 required. To the extent that a response is required and the allegations in Paragraph 73 relate to
27 other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their

1 truth and, on that basis, denies them. To the extent a response is required and the allegations in
2 Paragraph 73 relate to PENAC, PENAC denies all of the allegations.

3 74. The allegations in Paragraph 74 state legal contentions to which no response is
4 required. To the extent a response is required and the allegations relate to other defendants,
5 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the
6 allegations of Paragraph 74 and, on that basis, denies them. To the extent a response is required
7 and the allegations in Paragraph 74 relate to PENAC, PENAC denies them.

8 75. The allegations in Paragraph 75 state legal contentions to which no response is
9 required. To the extent a response is required and the allegations in Paragraph 75 relate to other
10 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
11 and, on that basis, denies them. To the extent a response is required and the allegations in
12 Paragraph 75 relate to PENAC, PENAC denies them.

13 **VI. FACTUAL ALLEGATIONS**

14 76. PENAC admits that the allegations in Paragraph 76 purport to describe CRT
15 technology, but PENAC denies that such descriptions are accurate or complete.

16 77. PENAC admits that the allegations in Paragraph 77 purport to describe CRT
17 technology, but PENAC denies that such descriptions are accurate or complete.

18 78. PENAC admits that the allegations in Paragraph 78 purport to describe CRT
19 technology, but PENAC denies that such descriptions are accurate or complete.

20 79. PENAC admits that the allegations in Paragraph 79 purport to describe CRT
21 technology, but PENAC denies that such descriptions are accurate or complete.

22 80. PENAC admits that the allegations in Paragraph 80 purport to describe CRT
23 technology, but PENAC denies that such descriptions are accurate or complete.

24 81. PENAC admits that the allegations in Paragraph 81 purport to describe CRT
25 technology, but PENAC denies that such descriptions are accurate or complete.

26 82. PENAC admits that the allegations in Paragraph 82 purport to describe CRT
27 technology, but PENAC denies that such descriptions are accurate or complete.

1 83. PENAC avers that the use of the term “CRTs,” which improperly conflate
2 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
3 uses, technologies, and products at different points in the production chain) together, renders the
4 allegations in Paragraph 83 indefinite and uncertain. To the extent that the allegations in
5 Paragraph 83 state legal contentions, no response is required. To the extent that the allegations in
6 Paragraph 83 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a
7 belief as to the truth of those allegations and, on that basis, denies them. To the extent that the
8 allegations in Paragraph 83 relate to other defendants, PENAC lacks knowledge or information
9 sufficient to form a belief as to the truth of those allegations and, on that basis, denies them. To
10 the extent that the allegations in Paragraph 83 relate to PENAC, PENAC denies all of the
11 allegations. In particular, PENAC denies that Plaintiff is entitled to any relief under any theory
12 by means of the allegations set forth in the Complaint and alleged in Paragraph 83.

13 84. PENAC avers that the use of the term “CRTs,” which improperly conflate
14 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
15 uses, technologies, and products at different points in the production chain) together, renders the
16 allegations in Paragraph 84 indefinite and uncertain. To the extent that the allegations in
17 Paragraph 84 state legal contentions, no response is required. To the extent that the allegations in
18 Paragraph 84 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a
19 belief as to the truth of those allegations and, on that basis, denies them. To the extent that the
20 allegations in Paragraph 84 relate to other defendants, PENAC lacks knowledge or information
21 sufficient to form a belief as to the truth of those allegations and, on that basis, denies them. To
22 the extent that the allegations in Paragraph 84 relate to PENAC, PENAC denies all of the
23 allegations.

24 85. PENAC avers that the use of the term “CRTs,” which improperly conflate
25 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
26 uses, technologies, and products at different points in the production chain) together, renders the
27 allegations in Paragraph 85 indefinite and uncertain. To the extent that the allegations in
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1 Paragraph 85 state legal contentions, no response is required. PENAC denies that Plaintiff is
2 entitled to any relief under any theory by means of the allegations set forth in the Complaint and
3 alleged in Paragraph 85.

4 86. The allegations in Paragraph 86 are legal contentions to which no response is
5 required. To the extent that a response is required, PENAC denies every allegation in Paragraph
6 86.

7 87. The allegations in Paragraph 87 are legal contentions to which no response is
8 required. To the extent that the allegations in Paragraph 87 relate to other defendants, PENAC
9 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
10 denies them. To the extent a response is required and the allegations in Paragraph 87 relate to
11 PENAC, PENAC denies all allegations.

12 88. To the extent that the allegations in Paragraph 88 state legal contentions, no
13 response is required. To the extent that the other allegations in Paragraph 88 relate to other
14 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
15 and, on that basis, denies them. To the extent that the allegations in Paragraph 88 relate to
16 PENAC, PENAC denies all of the allegations.

17 89. The allegations in Paragraph 89 state legal contentions to which no response is
18 required. Additionally, the allegations in Paragraph 89 are not directed at PENAC, and, therefore,
19 no response is required. PENAC otherwise lacks knowledge or information sufficient to form a
20 belief as to the truth of the allegations in Paragraph 89 and, on that basis, denies them.

21 90. PENAC avers that the use of the term "Philips" renders the allegations in
22 Paragraph 90 indefinite and uncertain as to PENAC. The allegations in Paragraph 90 are legal
23 contentions to which no response is required. To the extent that a response is required, PENAC
24 admits that in 2001, LG.Philips Displays was formed when LG Electronics, Inc. transferred its
25 entire CRT business and PENAC transferred its entire CRT business into the 50/50 joint venture.
26 To the extent that the allegations in Paragraph 90 relate to other defendants, PENAC lacks
27 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
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1 them. To the extent that the allegations in Paragraph 90 relate to PENAC, PENAC denies all of
2 the allegations.

3 91. The allegations in Paragraph 91 are legal contentions to which no response is
4 required. To the extent a response is required, PENAC denies the allegations in Paragraph 91.

5 92. PENAC avers that the use of the term "Philips" renders the allegations in
6 Paragraph 92 and its subparts indefinite and uncertain as to PENAC. To the extent that the
7 allegations in Paragraph 92 and its subparts state legal contentions, no response is required.
8 PENAC admits that in 2001, LG.Philips Displays was formed when LG Electronics, Inc.
9 transferred its entire CRT business and PENAC transferred its entire CRT business into the 50/50
10 joint venture. PENAC admits that LG.Philips LCD Co., Ltd. was formed in 1999. PENAC
11 denies that it was supplied "CRTs" from Samtel. To the extent that the remaining allegations in
12 Paragraph 92 and its subparts relate to other defendants, PENAC lacks knowledge or information
13 sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that the
14 allegations in Paragraph 92 and its subparts relate to PENAC, PENAC denies them.

15 93. The allegations in Paragraph 93 are legal contentions to which no response is
16 required. To the extent that the allegations in Paragraph 93 require a response, PENAC denies all
17 of the allegations.

18 94. The allegations in Paragraph 94 are legal contentions to which no response is
19 required. To the extent a response is required and that the allegations in Paragraph 94 relate to
20 other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their
21 truth and, on that basis, denies them. To the extent a response is required and that the allegations
22 in Paragraph 94 relate to PENAC, PENAC denies all of the allegations.

23 95. The allegations in Paragraph 95 are legal contentions to which no response is
24 required. To the extent that the allegations in Paragraph 95 require a response, PENAC denies all
25 of the allegations.

26 96. The allegations in the second sentence of Paragraph 96 are a legal contention to
27 which no response is required. PENAC otherwise lacks knowledge or information to form a
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1 belief as to the truth of the remaining allegations in Paragraph 96 and, on that basis, denies them.

2 97. The allegation in the second sentence of Paragraph 97 is a legal contention to
3 which no response is required. PENAC lacks knowledge or information to form a belief as to the
4 truth of the allegations contained in the first and third sentences of Paragraph 97 and, on that
5 basis, denies them. To the extent a response is required and the remaining allegations in
6 Paragraph 97 relate to other defendants, PENAC lacks knowledge or information sufficient to
7 form a belief as to their truth and, on that basis, denies them. To the extent a response is required
8 and the remaining allegations in Paragraph 97 relate to PENAC, PENAC denies all of the
9 allegations.

10 98. The allegations in Paragraph 98 are legal contentions to which no response is
11 required. To the extent a response is required, PENAC lacks knowledge or information to form a
12 belief as to the truth of the allegations contained in Paragraph 98 and, on that basis, denies them.

13 99. The allegations in Paragraph 99 are legal contentions to which no response is
14 required. To the extent a response is required, PENAC lacks knowledge or information to form a
15 belief as to the truth of the allegations contained in Paragraph 99 and, on that basis, denies them.

16 100. The allegations in Paragraph 100 are legal contentions to which no response is
17 required. To the extent a response is required, PENAC lacks knowledge or information to form a
18 belief as to the truth of the allegations contained in Paragraph 100 and, on that basis, denies them.

19 101. PENAC avers that the use of the term "CRTs," which improperly conflate
20 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
21 uses, technologies, and products at different points in the production chain) together, renders the
22 allegations in Paragraph 101 indefinite and uncertain. The allegations in Paragraph 101 are legal
23 contentions to which no response is required. To the extent a response is required and the
24 allegations in Paragraph 101 relate to other defendants, PENAC lacks knowledge or information
25 sufficient to form a belief as to their truth and, on that basis, denies them. To the extent a
26 response is required and the allegations in Paragraph 101 relate to PENAC, PENAC denies all of
27 the allegations.

1 102. The allegations in Paragraph 102 are legal contentions to which no response is
2 required. To the extent a response is required, PENAC denies all of the allegations in Paragraph
3 102.

4 103. To the extent that the allegations in Paragraph 103 state legal contentions, no
5 response is required. To the extent that the allegations in Paragraph 103 relate to other
6 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
7 and, on that basis, denies them. To the extent the allegations in Paragraph 103 relate to PENAC,
8 PENAC denies all of the allegations.

9 104. The allegations in Paragraph 104 are not directed at PENAC and, therefore, no
10 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
11 belief as to the truth of the allegations in Paragraph 104 and, on that basis, denies them.

12 105. The allegations in Paragraph 105 state legal contentions to which no response is
13 required. To the extent that the allegations in Paragraph 105 relate to other defendants, PENAC
14 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
15 denies them. To the extent the allegations in Paragraph 105 relate to PENAC, PENAC denies all
16 of the allegations.

17 106. PENAC avers that the use of the term “Philips” renders the allegations in
18 Paragraph 106 indefinite and uncertain as to PENAC. To the extent that the allegations in
19 Paragraph 106 state legal contentions, no response is required. To the extent that the allegations
20 in Paragraph 106 relate to other defendants, PENAC lacks knowledge or information sufficient to
21 form a belief as to their truth and, on that basis, denies them. To the extent that the remaining
22 allegations in Paragraph 106 relate to PENAC, PENAC denies them.

23 107. The allegations in Paragraph 107 are not directed at PENAC and, therefore, no
24 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
25 belief as to the truth of the allegations in Paragraph 107 and, on that basis, denies them.

26 108. To the extent that the allegations in Paragraph 108 state legal contentions, no
27 response is required. To the extent that the allegations in Paragraph 108 relate to other
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1 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
2 and, on that basis, denies them. To the extent that the allegations in Paragraph 108 relate to
3 PENAC, PENAC denies them.

4 109. The allegations in Paragraph 109 state legal contentions to which no response is
5 required. To the extent a response is required, PENAC denies each and every allegation of
6 Paragraph 109.

7 110. To the extent that the allegations in Paragraph 110 state legal contentions, no
8 response is required. To the extent that the allegations in Paragraph 110 relate to other
9 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
10 and, on that basis, denies them. To the extent that the allegations in Paragraph 110 relate to
11 PENAC, PENAC denies all of the allegations.

12 111. To the extent that the allegations in Paragraph 111 state legal contentions, no
13 response is required. To the extent that the allegations in Paragraph 111 relate to other
14 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
15 and, on that basis, denies them. To the extent that the allegations in Paragraph 111 relate to
16 PENAC, PENAC denies all of the allegations.

17 112. To the extent that the allegations in Paragraph 112 state legal contentions, no
18 response is required. To the extent that the allegations in Paragraph 112 relate to other
19 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
20 and, on that basis, denies them. To the extent that the allegations in Paragraph 112 relate to
21 PENAC, PENAC denies all of the allegations.

22 113. To the extent that the allegations in Paragraph 113 state legal contentions, no
23 response is required. To the extent that the allegations in Paragraph 113 relate to other
24 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
25 and, on that basis, denies them. To the extent that the allegations in Paragraph 113 relate to
26 PENAC, PENAC denies all of the allegations.

27 114. To the extent that the allegations in Paragraph 114 state legal contentions, no
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1 response is required. To the extent that the allegations in Paragraph 114 relate to other
2 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
3 and, on that basis, denies them. To the extent that the allegations in Paragraph 114 relate to
4 PENAC, PENAC denies all of the allegations.

5 115. PENAC avers that the use of the term “Philips” renders the allegations in
6 Paragraph 115 indefinite and uncertain as to PENAC. To the extent that the allegations in
7 Paragraph 115 state legal contentions, no response is required. To the extent that the allegations
8 in Paragraph 115 relate to other defendants, PENAC lacks knowledge or information sufficient to
9 form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in
10 Paragraph 115 relate to PENAC, PENAC denies all of the allegations.

11 116. To the extent that the allegations in Paragraph 116 state legal contentions, no
12 response is required. To the extent that the allegations in Paragraph 116 relate to other
13 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
14 and, on that basis, denies them. To the extent that the allegations in Paragraph 116 relate to
15 PENAC, PENAC denies all of the allegations.

16 117. To the extent that the allegations in Paragraph 117 state legal contentions, no
17 response is required. To the extent that the allegations in Paragraph 117 relate to other
18 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
19 and, on that basis, denies them. To the extent that the allegations in Paragraph 117 relate to
20 PENAC, PENAC denies all of the allegations.

21 118. To the extent that the allegations in Paragraph 118 state legal contentions, no
22 response is required. To the extent that the allegations in Paragraph 118 relate to other
23 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
24 and, on that basis, denies them. To the extent that the allegations in Paragraph 118 relate to
25 PENAC, PENAC denies all of the allegations.

26 119. To the extent that the allegations in Paragraph 119 state legal contentions, no
27 response is required. To the extent that the allegations in Paragraph 119 relate to other
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1 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
2 and, on that basis, denies them. To the extent that the allegations in Paragraph 119 relate to
3 PENAC, PENAC denies all of the allegations.

4 120. The allegations in Paragraph 120 state legal contentions to which no response is
5 required. To the extent that a response is required and the allegations in Paragraph 120 relate to
6 other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their
7 truth and, on that basis, denies them. To the extent that the allegations in Paragraph 120 relate to
8 PENAC, PENAC denies all of the allegations.

9 121. To the extent that the allegations in Paragraph 121 state legal contentions, no
10 response is required. To the extent that the allegations in Paragraph 121 relate to other
11 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
12 and, on that basis, denies them. To the extent that the allegations in Paragraph 121 relate to
13 PENAC, PENAC denies all of the allegations.

14 122. To the extent that the allegations in Paragraph 122 state legal contentions, no
15 response is required. To the extent that the allegations in Paragraph 122 relate to other
16 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
17 and, on that basis, denies them. To the extent that the remaining allegations in Paragraph 122
18 relate to PENAC, PENAC denies all of the allegations.

19 123. To the extent that the allegations in Paragraph 123 and its subparts state legal
20 contentions, no response is required. To the extent that the allegations in Paragraph 123 and its
21 subparts relate to other defendants, PENAC lacks knowledge or information sufficient to form a
22 belief as to their truth and, on that basis, denies them. To the extent that the allegations in
23 Paragraph 123 and its subparts relate to PENAC, PENAC denies all of the allegations.

24 124. To the extent that the allegations in Paragraph 124 state legal contentions, no
25 response is required. To the extent that the allegations in Paragraph 124 relate to other
26 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
27 and, on that basis, denies them. To the extent that the allegations in Paragraph 124 relate to
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1 PENAC, PENAC denies all of the allegations.

2 125. To the extent that the allegations in Paragraph 125 state legal contentions, no
3 response is required. To the extent that the allegations contained in Paragraph 125 refer to public
4 filings by government authorities, those filings speak for themselves and no response is required.
5 To the extent that the allegations in Paragraph 125 relate to other defendants, PENAC lacks
6 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
7 them. To the extent that the allegations in Paragraph 125 relate to PENAC, PENAC denies all of
8 the allegations.

9 126. To the extent that the allegations in Paragraph 126 state legal contentions, no
10 response is required. To the extent that the allegations in Paragraph 126 relate to other
11 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
12 and, on that basis, denies them. To the extent that the allegations in Paragraph 126 relate to
13 PENAC, PENAC denies all of the allegations.

14 127. To the extent that the allegations in Paragraph 127 relate to other defendants,
15 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
16 basis, denies them. To the extent that the allegations in Paragraph 127 relate to PENAC, PENAC
17 denies all of the allegations.

18 128. To the extent that the allegations in Paragraph 128 state legal contentions, no
19 response is required. To the extent that the allegations in Paragraph 128 relate to other
20 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
21 and, on that basis, denies them. To the extent that the allegations in Paragraph 128 relate to
22 PENAC, PENAC denies all of the allegations.

23 129. To the extent that the allegations in Paragraph 129 state legal contentions, no
24 response is required. With respect to the allegations in the third sentence of Paragraph 129,
25 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the
26 allegations, and, on that basis, denies them. To the extent that the remaining allegations in
27 Paragraph 129 relate to other defendants, PENAC lacks knowledge or information sufficient to
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1 form a belief as to their truth and, on that basis, denies them. To the extent that the remaining
2 allegations in Paragraph 129 relate to PENAC, PENAC denies all of the allegations.

3 130. To the extent that the allegations in Paragraph 130 state legal contentions, no
4 response is required. To the extent that the allegations in Paragraph 130 relate to other
5 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
6 and, on that basis, denies them. To the extent that the allegations in Paragraph 130 relate to
7 PENAC, PENAC denies all of the allegations.

8 131. To the extent that the allegations in Paragraph 131 state legal contentions, no
9 response is required. To the extent that the allegations in Paragraph 131 relate to other
10 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
11 and, on that basis, denies them. To the extent that the allegations in Paragraph 131 relate to
12 PENAC, PENAC denies all of the allegations.

13 132. To the extent that the allegations in sentence one of Paragraph 132 are an
14 explanation of terminology, no response is required. To the extent that the allegations in
15 Paragraph 132 state legal contentions, no response is required. PENAC avers that Plaintiff's
16 reference to "a corporate family or companies by a single name in its allegations of participation
17 in the conspiracy" renders the Complaint indefinite and uncertain. To the extent that the
18 remaining allegations in Paragraph 132 relate to other defendants, PENAC lacks knowledge or
19 information sufficient to form a belief as to their truth and, on that basis, denies them. To the
20 extent the remaining allegations in Paragraph 132 relate to PENAC, PENAC denies all of the
21 allegations.

22 133. To the extent that the allegations in Paragraph 133 refer to public filings and
23 statements by government authorities, those filings and statements speak for themselves and no
24 response is required. To the extent that the allegations in Paragraph 133 refer to public filings
25 and statements by other defendants, those filings and statements speak for themselves and no
26 response is required. To the extent that the allegations in Paragraph 133 purport to quote a press
27 release, that press release speaks for itself and no response is required. To the extent that the
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1 allegations in Paragraph 133 relate to Plaintiff, PENAC lacks knowledge or information sufficient
2 to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations
3 in Paragraph 133 relate to other defendants, PENAC lacks knowledge or information sufficient to
4 form a belief as to their truth and, on that basis, denies them. PENAC denies any remaining
5 allegations in Paragraph 133.

6 134. To the extent that the allegations in Paragraph 134 refer to public filings and
7 statements by government authorities, those filings and statements speak for themselves and no
8 response is required. To the extent that the allegations in Paragraph 134 purport to quote a press
9 release or other documents, the press release or other documents speak for themselves and no
10 response is required. To the extent that the allegations in Paragraph 134 relate to other
11 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
12 and, on that basis, denies them. PENAC otherwise lacks knowledge or information sufficient to
13 form a belief as to the truth of the allegations in Paragraph 134 and, on that basis, denies them.

14 135. To the extent that the allegations in Paragraph 135 refer to public filings and
15 statements by government authorities, those filings and statements speak for themselves and no
16 response is required. To the extent that the allegations in Paragraph 135 purport to quote a press
17 release or other documents, the press release or other documents speak for themselves and no
18 response is required. To the extent that the allegations in Paragraph 135 refer to filings and
19 statements made by other defendants, those filings and statements speak for themselves and no
20 response is required.

21 136. PENAC avers that the use of the term "Philips" renders the allegations in
22 Paragraph 136 and its subparts indefinite and uncertain. To the extent that the allegations in
23 Paragraph 136 and its subparts state legal contentions, no response is required. To the extent that
24 the allegations in Paragraph 136 and its subparts relate to other defendants, PENAC lacks
25 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
26 them. To the extent that the allegations in Paragraph 136 and its subparts relate to PENAC,
27 PENAC denies all of them.

1 137. To the extent that the allegations in Paragraph 137 and its subparts state legal
2 contentions, no response is required. To the extent that the allegations in Paragraph 137 and its
3 subparts relate to other defendants, PENAC lacks knowledge or information sufficient to form a
4 belief as to their truth and, on that basis, denies them. To the extent that the allegations in
5 Paragraph 137 and its subparts relate to PENAC, PENAC denies all of them.

6 138. The allegations in Paragraph 138 state legal contentions to which no response is
7 required. Additionally, the allegations in Paragraph 138 are not directed at PENAC and,
8 therefore, no response is required. To the extent that the allegations in Paragraph 138 relate to
9 PENAC, PENAC denies of the allegations. PENAC otherwise lacks knowledge or information
10 sufficient to form a belief as to the truth of the allegations in Paragraph 138 and, on that basis,
11 denies them.

12 139. The allegations in Paragraph 139 state legal contentions to which no response is
13 required. Additionally, the allegations in Paragraph 139 are not directed at PENAC and,
14 therefore, no response is required. PENAC otherwise lacks knowledge or information sufficient
15 to form a belief as to the truth of the allegations in Paragraph 139 and, on that basis, denies them.

16 140. The allegations in Paragraph 140 state legal contentions to which no response is
17 required. Additionally, the allegations in Paragraph 140 are not directed at PENAC and,
18 therefore, no response is required. To the extent that the allegations in Paragraph 140 relate to
19 PENAC, PENAC denies of the allegations. PENAC otherwise lacks knowledge or information
20 sufficient to form a belief as to the truth of the allegations in Paragraph 140 and, on that basis,
21 denies them.

22 141. The allegations in Paragraph 141 and its subparts state legal contentions to which
23 no response is required. Additionally, the allegations in Paragraph 141 and its subparts are not
24 directed at PENAC and, therefore, no response is required. To the extent that the allegations in
25 Paragraph 141 and its subparts relate to PENAC, PENAC denies all of the allegations. PENAC
26 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
27 allegations in Paragraph 141 and its subparts and, on that basis, denies them.

1 142. The allegations in Paragraph 142 state legal contentions to which no response is
2 required. Additionally, the allegations in Paragraph 142 are not directed at PENAC and,
3 therefore, no response is required. To the extent that the allegations in Paragraph 142 relate to
4 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 142 and, on
6 that basis, denies them.

7 143. PENAC avers that the use of the term “Philips” renders the allegations in
8 Paragraph 143 indefinite and uncertain as to PENAC. The allegations in Paragraph 143 also state
9 legal contentions to which no response is required. Additionally, the allegations in Paragraph 143
10 are not directed at PENAC and, therefore, no response is required. To the extent that the
11 allegations in Paragraph 143 relate to PENAC, PENAC denies all of the allegations. PENAC
12 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations in Paragraph 143 and, on that basis, denies them.

14 144. The allegations in Paragraph 144 state legal contentions to which no response is
15 required. Additionally, the allegations in Paragraph 144 are not directed at PENAC and,
16 therefore, no response is required. To the extent that the allegations in Paragraph 144 relate to
17 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
18 information sufficient to form a belief as to the truth of the allegations in Paragraph 144 and, on
19 that basis, denies them.

20 145. PENAC avers that the use of the term “Philips” renders the allegations in
21 Paragraph 145 indefinite and uncertain as to PENAC. To the extent that the allegations in
22 Paragraph 145 state legal contentions, no response is required. To the extent the allegations in
23 Paragraph 145 relate to other defendants, PENAC lacks knowledge or information sufficient to
24 form a belief as to their truth and, on that basis, denies them. To the extent the allegations in
25 Paragraph 145 relate to PENAC, PENAC denies all of the allegations. PENAC specifically
26 denies that any employee of LP Displays or LG.Philips Displays previously attended any meeting
27 described in this Paragraph on its behalf.

1 146. The allegations in Paragraph 146 state legal contentions to which no response is
2 required. Additionally, the allegations in Paragraph 146 are not directed at PENAC and,
3 therefore, no response is required. To the extent that the allegations in Paragraph 146 relate to
4 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 146 and, on
6 that basis, denies them.

7 147. The allegations in Paragraph 147 state legal contentions to which no response is
8 required. Additionally, the allegations in Paragraph 147 are not directed at PENAC and,
9 therefore, no response is required. To the extent that the allegations in Paragraph 147 relate to
10 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
11 information sufficient to form a belief as to the truth of the allegations in Paragraph 147 and, on
12 that basis, denies them.

13 148. The allegations in Paragraph 148 state legal contentions to which no response is
14 required. Additionally, the allegations in Paragraph 148 are not directed at PENAC and,
15 therefore, no response is required. To the extent that the allegations in Paragraph 148 relate to
16 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
17 information sufficient to form a belief as to the truth of the allegations in Paragraph 148 and, on
18 that basis, denies them.

19 149. The allegations in Paragraph 149 state legal contentions to which no response is
20 required. Additionally, the allegations in Paragraph 149 are not directed at PENAC and,
21 therefore, no response is required. To the extent that the allegations in Paragraph 149 relate to
22 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
23 information sufficient to form a belief as to the truth of the allegations in Paragraph 149 and, on
24 that basis, denies them.

25 150. PENAC avers that the use of the term “Philips” renders the allegations in
26 Paragraph 150 indefinite and uncertain as to PENAC. To the extent that the allegations in
27 Paragraph 150 state legal contentions, no response is required. PENAC denies that it participated
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1 in any such “glass meetings” or “bilateral discussions” after 2001 “through” LG.Philips Displays.
2 To the extent that the allegations in Paragraph 150 relate to other defendants, PENAC lacks
3 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
4 them. In all other respects, PENAC denies the allegations in Paragraph 150.

5 151. To the extent that the allegations in Paragraph 151 state legal contentions, no
6 response is required. To the extent that the allegations in Paragraph 151 relate to other
7 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
8 and, on that basis, denies them. To the extent the allegations in Paragraph 151 relate to PENAC,
9 PENAC denies them. PENAC denies any remaining allegations in Paragraph 151.

10 152. The allegations in Paragraph 152 state legal contentions to which no response is
11 required. Additionally, the allegations in Paragraph 152 are not directed at PENAC and,
12 therefore, no response is required. To the extent that the allegations in Paragraph 152 relate to
13 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
14 information sufficient to form a belief as to the truth of the allegations in Paragraph 152 and, on
15 that basis, denies them.

16 153. The allegations in Paragraph 153 state legal contentions to which no response is
17 required. Additionally, the allegations in Paragraph 153 are not directed at PENAC and,
18 therefore, no response is required. To the extent that the allegations in Paragraph 153 relate to
19 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
20 information sufficient to form a belief as to the truth of the allegations in Paragraph 153 and, on
21 that basis, denies them.

22 154. The allegations in Paragraph 154 state legal contentions to which no response is
23 required. Additionally, the allegations in Paragraph 154 are not directed at PENAC and,
24 therefore, no response is required. To the extent that the allegations in Paragraph 154 relate to
25 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
26 information sufficient to form a belief as to the truth of the allegations in Paragraph 154 and, on
27 that basis, denies them.

1 155. The allegations in Paragraph 155 state legal contentions to which no response is
2 required. Additionally, the allegations in Paragraph 155 are not directed at PENAC and,
3 therefore, no response is required. To the extent that the allegations in Paragraph 155 relate to
4 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
5 information sufficient to form a belief as to the truth of the allegations in Paragraph 155 and, on
6 that basis, denies them.

7 156. The allegations in Paragraph 156 state legal contentions to which no response is
8 required. Additionally, the allegations in Paragraph 156 are not directed at PENAC and,
9 therefore, no response is required. To the extent that the allegations in Paragraph 156 relate to
10 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
11 information sufficient to form a belief as to the truth of the allegations in Paragraph 156 and, on
12 that basis, denies them.

13 157. The allegations in Paragraph 157 state legal contentions to which no response is
14 required. Additionally, the allegations in Paragraph 157 are not directed at PENAC and,
15 therefore, no response is required. To the extent that the allegations in Paragraph 157 relate to
16 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
17 information sufficient to form a belief as to the truth of the allegations in Paragraph 157 and, on
18 that basis, denies them.

19 158. The allegations in Paragraph 158 state legal contentions to which no response is
20 required. Additionally, the allegations in Paragraph 158 are not directed at PENAC and,
21 therefore, no response is required. To the extent that the allegations in Paragraph 158 relate to
22 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
23 information sufficient to form a belief as to the truth of the allegations in Paragraph 158 and, on
24 that basis, denies them.

25 159. The allegations in Paragraph 159 state legal contentions to which no response is
26 required. Additionally, the allegations in Paragraph 159 are not directed at PENAC and,
27 therefore, no response is required. To the extent that the allegations in Paragraph 159 relate to
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1 PENAC, PENAC denies all of the allegations. PENAC otherwise lacks knowledge or
2 information sufficient to form a belief as to the truth of the allegations in Paragraph 159 and, on
3 that basis, denies them.

4 160. To the extent that the allegations in Paragraph 160 state legal contentions, no
5 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
6 belief as to the truth of the allegations in Paragraph 160 and, on that basis, denies them.

7 161. The allegations in Paragraph 161 are vague and ambiguous, as they do not identify
8 any underlying product or service and, on that basis, PENAC denies them. PENAC otherwise
9 lacks knowledge or information sufficient to form a belief as to the truth of the allegations in
10 Paragraph 161 and, on that basis, denies them. To the extent that the allegations contained in
11 Paragraph 161 are derived from an analyst report, that report speaks for itself and no response is
12 required.

13 162. To the extent that the allegations in Paragraph 162 state legal contentions, no
14 response is required. To the extent that the allegations contained in Paragraph 162 are derived
15 from analyst reports, those reports speak for themselves and no response is required. PENAC
16 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
17 allegations in Paragraph 162 and, on that basis, denies them.

18 163. The allegation in the first sentence of Paragraph 163 is a legal contention to which
19 no response is required. With regard to the allegations in the second and third sentences of
20 Paragraph 163, to the extent that these allegations are derived from or purport to quote analyst
21 reports, those reports speak for themselves and no response is required. PENAC denies any
22 remaining allegations contained in Paragraph 163.

23 164. To the extent that the allegations in Paragraph 164 are derived from or purport to
24 quote an analyst report, that report speaks for itself and no response is required. PENAC denies
25 any remaining allegations in Paragraph 164.

26 165. With regard to the allegations in the first and second sentences of Paragraph 165,
27 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the
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1 allegations and, on that basis, denies them. The allegation in the third sentence of Paragraph 165
2 states legal contentions to which no response is required. To the extent that the allegations in
3 Paragraph 165 relate to other defendants, PENAC lacks knowledge or information sufficient to
4 form a belief as to their truth and, on that basis, denies them. To the extent the allegations in
5 Paragraph 165 relate to PENAC, PENAC denies all of the allegations.

6 166. To the extent that the allegations in Paragraph 166 are derived from or purport to
7 quote an analyst report, that report speaks for itself and no response is required. PENAC
8 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations in Paragraph 166 and, on that basis, denies them. To the extent that the allegations in
10 Paragraph 166 relate to PENAC, PENAC denies all of the allegations.

11 167. To the extent the allegations in Paragraph 167 are derived from or purport to quote
12 an analyst report, that report speaks for itself and no response is required. PENAC otherwise
13 lacks knowledge or information sufficient to form a belief as to the truth of the allegations in
14 Paragraph 167 and, on that basis, denies them.

15 168. PENAC avers that the use of the term "Philips" renders the allegations in
16 Paragraph 168 indefinite and uncertain as to PENAC. To the extent that the allegations in
17 Paragraph 168 state legal contentions, no response is required. To the extent that the allegations
18 in Paragraph 168 are derived from or purport to quote published statements, those statements
19 speak for themselves and no response is required. To the extent that the allegations in Paragraph
20 168 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief
21 as to their truth and, on that basis, denies them. PENAC otherwise denies all of the allegations in
22 Paragraph 168.

23 169. The allegations in Paragraph 169 are legal contentions to which no response is
24 required. To the extent that the allegations in Paragraph 169 relate to other defendants, PENAC
25 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
26 denies them. To the extent that the remaining allegations in Paragraph 169 relate to PENAC,
27 PENAC denies all of the allegations.

1 170. The allegations in Paragraph 170 are legal contentions to which no response is
2 required. To the extent that the allegations in Paragraph 170 relate to other defendants, PENAC
3 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
4 denies them. To the extent that the remaining allegations in Paragraph 170 relate to PENAC,
5 PENAC denies all of the allegations.

6 171. To the extent the allegations of Paragraph 171 state legal contentions, no response
7 is required. To the extent that the allegations in the third sentence of Paragraph 171 are derived
8 from or purport to quote published statements made by the President of Skyworth Macao
9 Commercial Offshore Co., Ltd., those published statements speak for themselves and no response
10 is required. To the extent that the allegations in Paragraph 171 relate to other defendants,
11 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
12 basis, denies them. To the extent that the allegations in Paragraph 171 relate to PENAC, PENAC
13 denies all of the allegations.

14 172. PENAC avers that the use of the term “CRTs,” which improperly conflate
15 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
16 uses, technologies, and products at different points in the production chain) together, renders the
17 allegations in Paragraph 172 indefinite and uncertain. To the extent the allegations in Paragraph
18 172 state legal contentions, no response is required. PENAC otherwise lacks knowledge or
19 information sufficient to form a belief as to the truth of the allegations in Paragraph 172 and, on
20 that basis, denies them.

21 173. The allegations in Paragraph 173 are legal contentions to which no response is
22 required. To the extent that a response is required, PENAC denies the allegations in Paragraph
23 173.

24 174. The allegations in Paragraph 174 are legal contentions to which no response is
25 required. To the extent the allegations contained in Paragraph 174 refer to public filings by
26 government authorities, those filings speak for themselves and no response is required. To the
27 extent that a response is required, PENAC denies the allegations in Paragraph 174.

1 175. To the extent the allegations contained in Paragraph 175 refer to public filings by
2 government authorities, those filings speak for themselves and no response is required

3 176. To the extent the allegations contained in Paragraph 176 refer to a public statement
4 by Toshiba, that statement speaks for itself and no response is required. PENAC otherwise lacks
5 knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph
6 176 and, on that basis, denies them.

7 177. To the extent that the allegations in Paragraph 177 state legal contentions, no
8 response is required. To the extent that the allegations in Paragraph 177 refer to public statements
9 by government authorities, those statements speak for themselves and no response is required. To
10 the extent that the allegations in Paragraph 177 relate to other defendants, PENAC lacks
11 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
12 them. To the extent that the allegations in Paragraph 177 relate to PENAC, PENAC denies them.

13 178. To the extent that the allegations contained in Paragraph 178 refer to public
14 statements by government authorities, those statements speak for themselves and no response is
15 required. PENAC otherwise lacks knowledge or information sufficient to form a belief as to the
16 truth of the allegations in Paragraph 178 and, on that basis, denies them.

17 179. To the extent that the allegations contained in Paragraph 179 refer to public
18 statements by government authorities, those statements speak for themselves and no response is
19 required. PENAC otherwise lacks knowledge or information sufficient to form a belief as to the
20 truth of the allegations in Paragraph 179 and, on that basis, denies them.

21 180. To the extent that the allegations contained in Paragraph 180 refer to public
22 statements by government authorities, those statements speak for themselves and no response is
23 required. PENAC otherwise lacks knowledge or information sufficient to form a belief as to the
24 truth of the allegations in Paragraph 180 and, on that basis, denies them.

25 181. To the extent that the allegations contained in Paragraph 181 refer to public
26 statements by government authorities, those statements speak for themselves and no response is
27 required. PENAC otherwise lacks knowledge or information sufficient to form a belief as to the

1 truth of the allegations in Paragraph 181 and, on that basis, denies them.

2 182. To the extent that the allegations contained in Paragraph 182 refer to public
3 statements by government authorities, those statements speak for themselves and no response is
4 required. To the extent that the allegations contained in Paragraph 182 refer to public statements
5 by Samsung, those statements speak for themselves and no response is required. To the extent
6 that the allegations in Paragraph 182 state legal contentions, no response is required. To the
7 extent that the allegations in Paragraph 182 relate to PENAC, PENAC denies them. PENAC
8 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations in Paragraph 182 and, on that basis, denies them.

10 183. To the extent that the allegations in Paragraph 183 refer to public filings and
11 statements by government authorities, those filings and statements speak for themselves and no
12 response is required. To the extent that the allegations in Paragraph 183 purport to quote a press
13 release, that press release speaks for itself and no response is required. PENAC denies any
14 remaining allegations in Paragraph 183.

15 184. The allegations in Paragraph 184 are legal contentions to which no response is
16 required. To the extent a response is required and the allegations in Paragraph 184 relate to other
17 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
18 and, on that basis, denies them. To the extent that the allegations in Paragraph 184 relate to
19 PENAC, PENAC denies them.

20 185. To the extent that the allegations in the first sentence of Paragraph 185 state legal
21 contentions, no response is required. To the extent the allegations contained in Paragraph 185
22 refer to public statements by government authorities, those statements speak for themselves and
23 no response is required. To the extent that the allegations in Paragraph 185 relate to other
24 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
25 and, on that basis, denies them. PENAC denies the allegation and implication that the allegations
26 in Paragraph 185 have any relevance to the Complaint or the purported acts or omissions of
27 PENAC.

1 186. The allegations in Paragraph 186 are not directed at PENAC and, therefore, no
2 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
3 belief as to the truth of the allegations in Paragraph 186 and, on that basis, denies them. PENAC
4 denies the allegation and implication that the allegations in Paragraph 186 have any relevance to
5 the Complaint or the purported acts or omissions of PENAC.

6 187. To the extent the allegations contained in Paragraph 187 refer to public filings by
7 government authorities, those filings speak for themselves and no response is required. PENAC
8 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations in Paragraph 187 and, on that basis, denies them. PENAC denies the allegation and
10 implication that the allegations in Paragraph 187 have any relevance to the Complaint or the
11 purported acts or omissions of PENAC.

12 188. PENAC avers that the use of the term “Philips” renders the allegations in
13 Paragraph 188 indefinite and uncertain as to PENAC. To the extent the allegations contained in
14 Paragraph 188 refer to news reports, those reports speak for themselves and no response is
15 required. To the extent that the allegations in Paragraph 188 relate to the other defendants,
16 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
17 basis, denies them. PENAC denies the allegation and implication that the allegations in
18 Paragraph 188 have any relevance to the Complaint or the purported acts or omissions of
19 PENAC.

20 189. To the extent the allegations contained in Paragraph 189 refer to public statements
21 by government authorities, those statements speak for themselves and no response is required. To
22 the extent that the allegations in Paragraph 189 relate to other defendants, PENAC lacks
23 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
24 them. PENAC denies the allegation and implication that the allegations in Paragraph 189 have
25 any relevance to the Complaint or the purported acts or omissions of PENAC.

26 190. To the extent the allegations contained in Paragraph 190 refer to public statements
27 by government authorities, those statements speak for themselves and no response is required. To
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1 the extent that the allegations in Paragraph 190 relate to the other defendants, PENAC lacks
2 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
3 them. PENAC denies the allegation and implication that the allegations in Paragraph 190 have
4 any relevance to the Complaint or the purported acts or omissions of PENAC.

5 191. To the extent that the allegations in Paragraph 191 state legal contentions, no
6 response is required. To the extent the allegations contained in Paragraph 191 refer to public
7 statements there listed, those statements speak for themselves and no response is required.
8 PENAC admits the existence of the trade associations Korea Display Conference, Korean Display
9 Equipment Material Industry Association, and Electronic Display Industrial Research Association
10 of Korea, but PENAC denies that such descriptions are accurate or complete. To the extent that
11 the allegations in Paragraph 191 relate to other defendants, PENAC lacks knowledge or
12 information sufficient to form a belief as to their truth and, on that basis, denies them. To the
13 extent that the allegations in Paragraph 191 relate to PENAC, PENAC denies them.

14 192. The allegations in Paragraph 192 are not directed at PENAC and, on that basis, no
15 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
16 belief as to the truth of the allegations in Paragraph 192 and, on that basis, denies them.

17 193. The allegations in Paragraph 193 are not directed at PENAC and, on that basis, no
18 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
19 belief as to the truth of the allegations in Paragraph 193 and, on that basis, denies them.

20 194. To the extent that the allegations in Paragraph 194 state legal contentions, no
21 response is required. PENAC admits the existence of the Society for Information Display, but
22 PENAC denies that such descriptions are accurate or complete. To the extent that the allegations
23 in Paragraph 194 relate to other defendants, PENAC lacks knowledge or information sufficient to
24 form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in
25 Paragraph 194 relate to PENAC, PENAC denies all of the allegations.

26 195. To the extent that the allegations in Paragraph 195 state legal contentions, no
27 response is required. To the extent that the allegations in Paragraph 195 relate to other
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1 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
2 and, on that basis, denies them. To the extent that the allegations in Paragraph 195 relate to
3 PENAC, PENAC denies all of the allegations.

4 196. The allegations in Paragraph 196 are legal contentions to which no response is
5 required. To the extent that the allegations in Paragraph 196 relate to other defendants, PENAC
6 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
7 denies them. To the extent that the allegations in Paragraph 196 relate to PENAC, PENAC
8 denies all of the allegations.

9 197. The allegations in Paragraph 197 are not directed at PENAC and, on that basis, no
10 response is required. To the extent that the allegations in Paragraph 197 purport to quote
11 statements by Panasonic, those statements speak for themselves and no response is required.
12 PENAC otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
13 allegations in Paragraph 197 and, on that basis, denies them.

14 198. The allegations in Paragraph 198 are not directed at PENAC and, on that basis, no
15 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
16 belief as to the truth of the allegations in Paragraph 198 and, on that basis, denies them.

17 199. The allegations in Paragraph 199 are not directed at PENAC and, on that basis, no
18 response is required. To the extent that the allegations in Paragraph 199 refer to public statements
19 by other defendants, those statements speak for themselves and no response is required. PENAC
20 otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
21 allegations in Paragraph 199 and, on that basis, denies them.

22 200. The allegations in Paragraph 200 are not directed at PENAC and, on that basis, no
23 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
24 belief as to the truth of the allegations in Paragraph 200 and, on that basis, denies them.

25 201. The allegations in Paragraph 201 are not directed at PENAC and, on that basis, no
26 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
27 belief as to the truth of the allegations in Paragraph 201 and, on that basis, denies them.

1 202. The allegation in the first sentence of Paragraph 202 is a legal contention to which
2 no response is required. With regard to the allegations in the second sentence of Paragraph 202,
3 to the extent that these allegations are derived from or purport to quote analyst reports, those
4 reports speak for themselves and no response is required. PENAC denies any remaining
5 allegations contained in Paragraph 202.

6 203. To the extent that the allegations in Paragraph 203 are derived from or purport to
7 quote an analyst report, that report speaks for itself and no response is required.

8 204. PENAC avers that the use of the term “CRTs,” which improperly conflate
9 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
10 uses, technologies, and products at different points in the production chain) together, renders the
11 allegations in Paragraph 204 indefinite and uncertain. PENAC lacks knowledge or information
12 sufficient to form a belief as to the truth of the allegations in Paragraph 204 and, on that basis,
13 denies them.

14 205. To the extent that the allegations in Paragraph 205 state legal contentions, no
15 response is required. To the extent that the allegations in Paragraph 205 are derived from or
16 purport to quote an industry news article, that article speaks for itself and no response is required.
17 PENAC otherwise lacks knowledge or information sufficient to form a belief as to the truth of the
18 allegations in Paragraph 205 and, on that basis, denies them. To the extent that the allegations in
19 Paragraph 205 relate to PENAC, PENAC denies all of the allegations.

20 206. To the extent the allegations contained in Paragraph 206 are derived from or
21 purport to quote a keynote speaker at a conference, that speaker speaks for himself and no
22 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
23 belief as to the truth of the allegations in Paragraph 206 and, on that basis, denies them.

24 207. PENAC avers that the use of the term “CRTs,” which improperly conflate
25 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
26 uses, technologies, and products at different points in the production chain) together, renders the
27 allegations in Paragraph 207 indefinite and uncertain. With regard to the allegations in the first
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1 and second sentences of Paragraph 207, PENAC lacks knowledge or information sufficient to
2 form a belief as to the truth of the allegations and, on that basis, denies them. The allegations in
3 the third sentence of Paragraph 207 states legal contentions to which no response is required. To
4 the extent that the allegations in Paragraph 207 relate to other defendants, PENAC lacks
5 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
6 them. To the extent the allegations in Paragraph 207 relate to PENAC, PENAC denies all of the
7 allegations.

8 208. PENAC avers that the use of the term “CRTs,” which improperly conflate
9 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
10 uses, technologies, and products at different points in the production chain) together, renders the
11 allegations in Paragraph 208 indefinite and uncertain. To the extent that the allegations in
12 Paragraph 208 are derived from or purport to quote an analyst report, that report speaks for itself
13 and no response is required. PENAC otherwise lacks knowledge or information sufficient to
14 form a belief as to the truth of the allegations in Paragraph 208 and, on that basis, denies them.
15 To the extent that the allegations in Paragraph 208 relate to PENAC, PENAC denies all of the
16 allegations.

17 209. The allegations in Paragraph 209 are not directed at PENAC and, therefore, no
18 response is required. To the extent that a response is required, PENAC lacks knowledge or
19 information sufficient to form a belief as to the truth of the allegations in Paragraph 209 and, on
20 that basis, denies them.

21 210. PENAC avers that the use of the term “CRTs,” which improperly conflate
22 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
23 uses, technologies, and products at different points in the production chain) together, renders the
24 allegations in Paragraph 210 indefinite and uncertain. To the extent the allegations of Paragraph
25 210 state legal contentions, no response is required. To the extent that the allegations in the third
26 sentence of Paragraph 210 are derived from or purport to quote published statements made by the
27 President of Skyworth Macao Commercial Offshore Co., Ltd., those published statements speak
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1 for themselves and no response is required. To the extent that the allegations in Paragraph 210
2 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as
3 to their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 210
4 relate to PENAC, PENAC denies all of the allegations.

5 211. PENAC avers that the use of the term “CRTs,” which improperly conflate
6 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
7 uses, technologies, and products at different points in the production chain) together, renders the
8 allegations in Paragraph 211 indefinite and uncertain. To the extent the allegations of Paragraph
9 211 state legal contentions, no response is required. To the extent a response is required and the
10 allegations in Paragraph 211 relate to other defendants, PENAC lacks knowledge or information
11 sufficient to form a belief as to their truth and, on that basis, denies them. To the extent a
12 response is required and the allegations in Paragraph 211 relate to PENAC, PENAC denies all of
13 the allegations.

14 212. PENAC avers that the use of the term “CRTs,” which improperly conflate
15 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
16 uses, technologies, and products at different points in the production chain) together, renders the
17 allegations in Paragraph 212 and its subparts indefinite and uncertain. To the extent the
18 allegations of Paragraph 212 and its subparts state legal contentions, no response is required. To
19 the extent a response is required and the allegations in Paragraph 212 relate to other defendants,
20 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
21 basis, denies them. To the extent a response is required and the allegations in Paragraph 212
22 relate to PENAC, PENAC denies each and every allegation in Paragraph 212, including its
23 subparts.

24 **VII. ALLEGATIONS CONCERNING VIEWSONIC’S INJURIES**

25 213. PENAC avers that the use of the term “CRTs,” which improperly conflate
26 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
27 uses, technologies, and products at different points in the production chain) together, renders the
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1 allegations in Paragraph 213 indefinite and uncertain. The allegations in Paragraph 213 state
2 legal contentions, for which no response is required. To the extent that a response is required and
3 the allegations in Paragraph 213 relate to other defendants, PENAC lacks knowledge or
4 information sufficient to form a belief as to their truth and, on that basis, denies them. To the
5 extent that a response is required and the allegations in Paragraph 213 relate to Plaintiff, PENAC
6 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
7 denies them. To the extent that a response is required and the allegations in Paragraph 213 relate
8 to PENAC, PENAC denies them. PENAC denies that Plaintiff suffered any injury or incurred
9 any damages by any act or omission of PENAC as alleged in the Complaint, and further denies
10 that Plaintiff is entitled to any relief under any theory by means of the allegations set forth in the
11 Complaint.

12 214. PENAC avers that the use of the term “CRTs,” which improperly conflate
13 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
14 uses, technologies, and products at different points in the production chain) together, renders the
15 allegations in Paragraph 214 indefinite and uncertain. The allegations in Paragraph 214 state
16 legal contentions, for which no response is required. To the extent that a response is required and
17 the allegations in Paragraph 214 relate to Plaintiff, PENAC lacks knowledge or information
18 sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that a
19 response is required and the allegations in Paragraph 214 relate to other defendants, PENAC lacks
20 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
21 them. To the extent that a response is required and the allegations in Paragraph 214 relate to
22 PENAC, PENAC denies them.

23 215. PENAC avers that the use of the term “CRTs,” which improperly conflate
24 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
25 uses, technologies, and products at different points in the production chain) together, renders the
26 allegations in Paragraph 215 indefinite and uncertain. The allegations in Paragraph 215 state
27 legal contentions, for which no response is required. To the extent that a response is required and
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1 the allegations in Paragraph 215 relate to Plaintiff, PENAC lacks knowledge or information
2 sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that a
3 response is required and the allegations in Paragraph 215 relate to other defendants, PENAC lacks
4 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
5 them. To the extent that a response is required and the allegations in Paragraph 215 relate to
6 PENAC, PENAC denies them. PENAC denies that Plaintiff suffered any injury or incurred any
7 damages by any act or omission of PENAC as alleged in the Complaint, and further denies that
8 Plaintiff is entitled to any relief under any theory by means of the allegations set forth in the
9 Complaint.

10 216. PENAC avers that the use of the term “CRTs,” which improperly conflate
11 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
12 uses, technologies, and products at different points in the production chain) together, renders the
13 allegations in Paragraph 216 indefinite and uncertain. The allegations in Paragraph 216 state
14 legal contentions, for which no response is required. PENAC admits that the allegations in
15 Paragraph 216 purport to describe CRT technology, but PENAC denies that such descriptions are
16 accurate or complete.

17 217. The allegations in Paragraph 217 state legal contentions, for which no response is
18 required. To the extent that the allegations in Paragraph 217 relate to other defendants, PENAC
19 lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To
20 the extent that the allegations in Paragraph 217 relate to PENAC, PENAC denies all of the
21 allegations.

22 218. The allegations in Paragraph 218 state legal contentions, for which no response is
23 required. To the extent that the allegations in Paragraph 218 relate to other defendants, PENAC
24 lacks knowledge or information sufficient to form a belief as to the truth of those allegations. To
25 the extent that the allegations in Paragraph 218 relate to PENAC, PENAC denies all of the
26 allegations.

27 219. PENAC avers that the use of the term “CRTs,” which improperly conflate
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1 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
2 uses, technologies, and products at different points in the production chain) together, renders the
3 allegations in Paragraph 219 indefinite and uncertain. PENAC denies that Plaintiff is entitled to
4 any relief under any theory by means of the allegations set forth in the Complaint and alleged in
5 Paragraph 219.

6 **VIII. ALLEGATIONS CONCERNING FRAUDULENT CONCEALMENT**

7 220. To the extent that the allegations in Paragraph 220 state legal contentions, no
8 response is required. To the extent that the allegations in Paragraph 220 relate to Plaintiff,
9 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
10 basis, denies them. To the extent that the allegations in Paragraph 220 relate to other defendants,
11 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
12 basis, denies them. To the extent that the allegations in Paragraph 220 relate to PENAC, PENAC
13 denies all of the allegations.

14 221. To the extent that the allegations in Paragraph 221 state legal contentions, no
15 response is required. To the extent that the allegations in Paragraph 221 relate to Plaintiff,
16 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
17 basis, denies them. To the extent that the allegations in Paragraph 221 relate to other defendants,
18 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
19 basis, denies them. To the extent that the allegations in Paragraph 221 relate to PENAC, PENAC
20 denies all of the allegations.

21 222. To the extent that the allegations in Paragraph 222 state legal contentions, no
22 response is required. To the extent that the allegations in Paragraph 222 relate to other
23 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
24 and, on that basis, denies them. To the extent that the allegations in Paragraph 222 relate to
25 PENAC, PENAC denies all of the allegations.

26 223. To the extent that the allegations in Paragraph 223 state legal contentions, no
27 response is required. To the extent that the allegations in Paragraph 223 relate to other
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1 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
2 and, on that basis, denies them. To the extent that the allegations in Paragraph 223 relate to
3 PENAC, PENAC denies all of the allegations.

4 224. To the extent that the allegations in Paragraph 224 state legal contentions, no
5 response is required. PENAC otherwise denies all of the allegations in Paragraph 224.

6 225. To the extent that the allegations in Paragraph 225 state legal contentions, no
7 response is required. To the extent that the allegations in Paragraph 225 relate to Plaintiff,
8 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
9 basis, denies them. To the extent that the allegations in Paragraph 225 relate to other defendants,
10 PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that
11 basis, denies them. To the extent that the allegations in Paragraph 225 relate to PENAC, PENAC
12 denies all of the allegations.

13 226. To the extent that the allegations in Paragraph 226 state legal contentions, no
14 response is required. To the extent that the allegations in Paragraph 226 relate to other
15 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
16 and, on that basis, denies them. To the extent that the allegations in Paragraph 226 relate to
17 PENAC, PENAC denies all of the allegations.

18 227. To the extent that the allegations in Paragraph 227 state legal contentions, no
19 response is required. To the extent that the allegations in Paragraph 227 relate to other
20 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
21 and, on that basis, denies them. To the extent that the allegations in Paragraph 227 relate to
22 PENAC, PENAC denies all of the allegations.

23 228. PENAC avers that the use of the term "Philips" renders the allegations in
24 Paragraph 228 indefinite and uncertain as to PENAC. To the extent that the allegations in
25 Paragraph 228 are derived from or purport to quote documents, those documents speak for
26 themselves and no response is required. To the extent that the allegations in Paragraph 228 relate
27 to other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their
28

1 truth and, on that basis, denies them. To the extent the allegations in Paragraph 228 relate to
2 PENAC, PENAC denies all of the allegations.

3 229. PENAC avers that the use of the term “Philips” renders the allegations in
4 Paragraph 229 indefinite and uncertain as to PENAC. To the extent that the allegations in
5 Paragraph 229 are derived from or purport to quote documents, those documents speak for
6 themselves and no response is required. To the extent that the allegations in Paragraph 229 relate
7 to other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their
8 truth and, on that basis, denies them. To the extent the allegations in Paragraph 229 relate to
9 PENAC, PENAC denies all of the allegations.

10 230. To the extent that the allegations in Paragraph 230 state legal contentions, no
11 response is required. To the extent that the allegations in Paragraph 230 relate to other
12 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
13 and, on that basis, denies them. To the extent that the allegations in Paragraph 230 relate to
14 PENAC, PENAC denies all of the allegations.

15 231. PENAC avers that the use of the term “CRTs,” which improperly conflate
16 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
17 uses, technologies, and products at different points in the production chain) together, renders the
18 allegations in Paragraph 231 indefinite and uncertain. With regard to the allegations in the first
19 and second sentences of Paragraph 231, PENAC lacks knowledge or information sufficient to
20 form a belief as to the truth of the allegations and, therefore, denies them. The allegations in the
21 third sentence of Paragraph 231 state legal contentions, for which no response is required. To the
22 extent a response is required and the allegations in the third sentence of Paragraph 231 relate to
23 other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their
24 truth and, on that basis, denies them. To the extent a response is required and the allegations in
25 the third sentence of Paragraph 231 relate to PENAC, PENAC denies all of the allegations.

26 232. With regard to the allegations in the first and second sentences of Paragraph 232,
27 PENAC lacks knowledge or information sufficient to form a belief as to the truth of the
28

1 allegations and, therefore, denies them. The allegations in the third sentence of Paragraph 232
2 state legal contentions, for which no response is required. To the extent that the allegations in the
3 third sentence of Paragraph 232 require a response, PENAC denies them.

4 233. PENAC avers that the use of the term “CRTs,” which improperly conflate
5 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
6 uses, technologies, and products at different points in the production chain) together, renders the
7 allegations in Paragraph 233 indefinite and uncertain. PENAC avers that the use of the term
8 “Philips” in Paragraph 233 renders the allegations indefinite and uncertain as to PENAC. To the
9 extent that the allegations in Paragraph 233 are derived from or purport to quote published
10 statements made by a Deputy General Manager for an LG Electronics distributor, those
11 statements speak for themselves and no response is required. To the extent that the allegations in
12 Paragraph 233 relate to other defendants, PENAC lacks knowledge or information sufficient to
13 form a belief as to their truth and, on that basis, denies them. To the extent the allegations in
14 Paragraph 233 relate to PENAC, PENAC denies all of the allegations.

15 234. The allegations in Paragraph 234 are not directed at PENAC and, therefore, no
16 response is required. PENAC otherwise lacks knowledge or information sufficient to form a
17 belief as to the truth of the allegations in Paragraph 234 and, on that basis, denies them. To the
18 extent that a response is required and the allegations in Paragraph 234 relate to PENAC, PENAC
19 denies all of the allegations.

20 235. To the extent that the allegations in Paragraph 235 state legal contentions, no
21 response is required. To the extent that a response is required and the allegations in Paragraph
22 235 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a belief as to
23 their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 235
24 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as
25 to their truth and, on that basis, denies them. To the extent the allegations in Paragraph 235 relate
26 to PENAC, PENAC denies all of the allegations.

27 236. The allegations in Paragraph 236 state legal contentions to which no response is
28

1 required. To the extent that the allegations in Paragraph 236 relate to Plaintiff, PENAC lacks
 2 knowledge or information sufficient to form a belief as to their truth and, on that basis, denies
 3 them. To the extent that the allegations in Paragraph 236 relate to other defendants, PENAC
 4 lacks knowledge or information sufficient to form a belief as to their truth and, on that basis,
 5 denies them. To the extent the allegations in Paragraph 236 relate to PENAC, PENAC denies all
 6 of the allegations.

7 **IX. ALLEGATIONS CONCERNING AMERICAN PIPE, GOVERNMENT ACTION**
 8 **AND CROSS-JURISDICTIONAL TOLLING**

9 237. To the extent that the allegations in the first sentence of Paragraph 237 refer to
 10 public filings by government authorities discussed in Paragraphs 178-182, those filings speak for
 11 themselves and no response is required. To the extent that the allegations in the second sentence
 12 of Paragraph 237 state legal contentions, no response is required.

13 238. The allegations in Paragraph 238 state legal contentions, for which no response is
 14 required. To the extent that a response is required, PENAC denies all the allegations in Paragraph
 15 238.

16 239. The allegations in Paragraph 239 constitute legal contentions to which no response
 17 is required.

18 **X. ALLEGATIONS CONCERNING CLAIM FOR VIOLATIONS OF SECTION 1 OF**
 19 **THE SHERMAN ACT**

20 240. PENAC repeats and incorporates by reference its responses to Paragraph 1 through
 21 239 of the Complaint with the same force and effect as if set forth herein at length.

22 241. The allegations in Paragraph 241 constitute legal contentions and/or conclusions to
 23 which no response is required. To the extent the allegations in Paragraph 241 require a response,
 24 PENAC denies all allegations.

25 242. The allegations in Paragraph 242 constitute legal contentions and/or conclusions to
 26 which no response is required. To the extent the allegations in Paragraph 242 require a response,
 27 PENAC denies all allegations.

1 243. The allegations in Paragraph 243 constitute legal contentions and/or conclusions to
2 which no response is required. To the extent the allegations in Paragraph 243 require a response,
3 PENAC denies each and every allegation.

4 244. The allegations in Paragraph 244 constitute legal contentions and/or conclusions to
5 which no response is required. To the extent that the allegations in Paragraph 244 relate to other
6 defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth
7 and, on that basis, denies them. To the extent the allegations in Paragraph 244 relate to PENAC,
8 PENAC denies all of the allegations.

9 245. The allegations in Paragraph 245 and its subparts constitute legal contentions
10 and/or conclusions to which no response is required. To the extent that the allegations in
11 Paragraph 245 and its subparts relate to other defendants, PENAC lacks knowledge or
12 information sufficient to form a belief as to their truth and, on that basis, denies them. To the
13 extent the allegations in Paragraph 245 and its subparts relate to PENAC, PENAC denies all of
14 the allegations.

15 246. PENAC avers that the use of the term “CRTs,” which improperly conflate
16 numerous distinct and non-substitutable products (of, among other things, various sizes, qualities,
17 uses, technologies, and products at different points in the production chain) together, renders the
18 allegations in Paragraph 246 indefinite and uncertain. The allegations in Paragraph 246 constitute
19 legal contentions and/or conclusions to which no response is required. To the extent that the
20 allegations in Paragraph 246 relate to Plaintiff, PENAC lacks knowledge or information sufficient
21 to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations
22 in Paragraph 246 relate to other defendants, PENAC lacks knowledge or information sufficient to
23 form a belief as to their truth and, on that basis, denies them. To the extent the allegations in
24 Paragraph 246 relate to PENAC, PENAC denies all of the allegations.

25 247. The allegations in Paragraph 247 constitute legal contentions and/or conclusions to
26 which no response is required. To the extent that the allegations in Paragraph 247 relate to
27 Plaintiff, PENAC lacks knowledge or information sufficient to form a belief as to their truth and,
28

on that basis, denies them. To the extent that the allegations in Paragraph 247 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent the allegations in Paragraph 247 relate to PENAC, PENAC denies all of the allegations.

248. PENAC avers that the use of the term “CRTs,” which improperly conflate numerous distinct and non-substitutable products (of, among other things, various sizes, qualities, uses, technologies, and products at different points in the production chain) together, renders the allegations in Paragraph 248 indefinite and uncertain. The allegations in Paragraph 248 constitute legal contentions and/or conclusions to which no response is required. To the extent that the allegations in Paragraph 248 relate to Plaintiff, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent that the allegations in Paragraph 248 relate to other defendants, PENAC lacks knowledge or information sufficient to form a belief as to their truth and, on that basis, denies them. To the extent the allegations in Paragraph 248 relate to PENAC, PENAC denies all of the allegations.

XI. ALLEGATIONS CONCERNING PRAYER FOR RELIEF

With respect to Plaintiff’s allegations concerning prayer for relief, PENAC denies that Plaintiff suffered any injury or incurred any damages by any act or omission of PENAC as alleged in the Complaint, and further denies that Plaintiff is entitled to any relief under any theory by means of the allegations set forth in the Complaint. All allegations of the Complaint not heretofore admitted or denied are here and now denied as though specifically denied herein.

XII. ALLEGATION CONCERNING JURY TRIAL DEMAND

To the extent any response is required to Plaintiff’s Jury Trial Demand, PENAC admits that Plaintiff purports to demand a trial by jury pursuant to Federal Rule of Civil Procedure 38(b).

AFFIRMATIVE DEFENSES

Without assuming any burden it would not otherwise bear, PENAC asserts the following additional and/or affirmative defenses to Plaintiff’s Complaint:

FIRST AFFIRMATIVE DEFENSE**(Failure to State a Claim)**

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE**(Lack of Subject Matter Jurisdiction)**

The conduct alleged to provide a basis for the claims of Plaintiff did not have a direct, substantial, and reasonably foreseeable effect on trade or commerce within the United States. The Court, therefore, lacks subject matter jurisdiction of the claims of Plaintiff.

THIRD AFFIRMATIVE DEFENSE**(Failure to State a Claim Under the Foreign Trade Antitrust Improvements Act)**

Plaintiff's claims for any foreign purchases, if any, should be dismissed to the extent that they are barred, in whole or in part, because Plaintiff has failed to allege facts sufficient to support a claim under the foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

FOURTH AFFIRMATIVE DEFENSE**(Vagueness of Claims)**

Plaintiff's claims should be dismissed for uncertainty and vagueness and because their claims are ambiguous and/or unintelligible. PENAC avers that Plaintiff's claims do not describe the events or legal theories with sufficient particularity to permit PENAC to ascertain what other defenses may exist. PENAC therefore reserves the right to amend its Answer to assert additional defenses and/or supplement, alter, or change its Answer and/or defenses upon the discovery of more definitive facts upon the completion of its investigation and discovery.

FIFTH AFFIRMATIVE DEFENSE**(Failure to Plead Conspiracy with Particularity)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, because Plaintiff has failed to allege conspiracy with sufficient particularity.

SIXTH AFFIRMATIVE DEFENSE**(Statute of Limitation)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by the applicable statute(s) of limitations.

SEVENTH AFFIRMATIVE DEFENSE**(Unilateral Action)**

Plaintiff's claims are barred, in whole or in part, because the actions or practices of PENAC that are the subject of the Complaint were undertaken unilaterally for legitimate business reasons and in pursuit of PENAC's independent interests, and were not the product of any contract, combination or conspiracy between PENAC and any other person or entity.

EIGHTH AFFIRMATIVE DEFENSE**(Rule of Reason)**

Plaintiff's claims are barred, in whole or in part, because any acts or practices of PENAC that are the subject of the Complaint were adopted in furtherance of legitimate business interests of PENAC and do not unreasonable restrain competition.

NINTH AFFIRMATIVE DEFENSE**(Competition)**

Plaintiff's claims are barred, in whole or in part, because any acts or practices of PENAC that are the subject of the Complaint were cost justified or otherwise economically justified and resulted from a good faith effort to meet competition or market conditions.

TENTH AFFIRMATIVE DEFENSE**(Non-actionable or Governmental Privilege)**

Plaintiff's claims are barred, in whole or in part, because the alleged conduct of PENAC that is the subject of the Complaint was caused by, due to, based upon, or in response to directives, laws, regulations, policies, and/or acts of governments, governmental agencies and entities, and/or regulatory agencies, and such is non-actionable or privileged.

ELEVENTH AFFIRMATIVE DEFENSE**(No Act of PENAC)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, because Plaintiff has not been injured in its business or property by reason of any action of PENAC.

TWELFTH AFFIRMATIVE DEFENSE**(Intervening Conduct)**

Plaintiff's claims are barred, in whole or in part, because any alleged injuries and/or damages were not legally or proximately caused by any acts or omissions of PENAC and/or were caused, if at all, solely and proximately by the conduct of third parties including, without limitations, the prior, intervening or superseding conduct of such third parties.

THIRTEENTH AFFIRMATIVE DEFENSE**(Damages Passed On)**

Plaintiff's claims should be dismissed to the extent they are barred, in whole or in part, because any injury or damage alleged in the Complaint, which PENAC specifically denies, was passed on to persons or entities other than Plaintiff and/or was passed on by Plaintiff to other parties.

FOURTEENTH AFFIRMATIVE DEFENSE**(Withdrawal)**

To the extent that any actionable conduct occurred for which PENAC is liable, some or all of Plaintiff's claims against PENAC are barred because PENAC withdrew from and/or abandoned any alleged conspiracy prior to the commencement of the limitations period set forth in applicable statutes of limitations.

FIFTEENTH AFFIRMATIVE DEFENSE**(Uncertainty of Damages)**

Plaintiff's claims should be dismissed because the alleged damages sought are too speculative and uncertain, and cannot be practicably ascertained or allocated.

SIXTEENTH AFFIRMATIVE DEFENSE**(Failure to Mitigate Damages)**

Plaintiff's claims should be dismissed, in whole or in part, because Plaintiff failed to take all necessary, reasonable, and appropriate actions to mitigate their alleged damages, if any.

SEVENTEENTH AFFIRMATIVE DEFENSE**(Unjust Enrichment)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, because Plaintiff would be unjustly enriched if they were allowed to recover any part of the damages alleged in the Complaint.

EIGHTEENTH AFFIRMATIVE DEFENSE**(Set Off)**

Without admitting that Plaintiff is entitled to recover damages in this matter, PENAC is entitled to set off from any recovery Plaintiff may obtain against PENAC any amount paid to Plaintiff by any other Defendants who have settled, or do settle, Plaintiff's claims in this matter.

NINETEENTH AFFIRMATIVE DEFENSE**(Legal Acts)**

Plaintiff's claims are barred, in whole or in part, to the extent they are based on alleged acts, conduct or statements that are specifically permitted by law.

TWENTIETH AFFIRMATIVE DEFENSE**(Laches)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by the equitable doctrine of laches.

TWENTY-FIRST AFFIRMATIVE DEFENSE**(Unclean Hands)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by the equitable doctrine of unclean hands.

TWENTY-SECOND AFFIRMATIVE DEFENSE**(Acquiescence)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, by Plaintiff's acquiescence and/or confirmation of any and all conduct and/or omissions alleged as to PENAC.

TWENTY-THIRD AFFIRMATIVE DEFENSE**(Adequate Remedy at Law)**

Plaintiff's claims for injunctive relief should be dismissed because Plaintiff has available an adequate remedy at law.

TWENTY-FOURTH AFFIRMATIVE DEFENSE**(Due Process)**

Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate PENAC's rights guaranteed by the Due Process clause of the Fifth Amendment of the United States Constitution.

TWENTY-FIFTH AFFIRMATIVE DEFENSE**(Due Process)**

Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate PENAC's rights guaranteed by the Due Process provision of the Fourteenth Amendment of the United States Constitution.

TWENTY-SIXTH AFFIRMATIVE DEFENSE**(Equal Protection)**

Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate PENAC's rights guaranteed by the Equal Protection provision of the Fourteenth Amendment of the United States Constitution.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE**(Double Jeopardy)**

Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate PENAC's rights guaranteed by the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE**(Excessive Fines)**

Plaintiff's claims are barred, in whole or in part, to the extent they seek an improper multiple punitive award for a single wrong because such an award would violate PENAC's rights guaranteed by the Excessive Fines provision of the Eighth Amendment of the United States Constitution.

TWENTY-NINTH AFFIRMATIVE DEFENSE**(Unconstitutional Multiplicity)**

To the extent any recovery by Plaintiff would be duplicative of recovery by other plaintiffs and other lawsuits, subjecting PENAC to the possibility of multiple recoveries, such recovery is barred by the Fifth and Eighth Amendments to the United States Constitution.

THIRTIETH AFFIRMATIVE DEFENSE**(Foreign Sales)**

Plaintiff's claims are barred, in whole or in part, because Plaintiff may not recover damages, if any, based on sales outside of the United States.

THIRTY-FIRST AFFIRMATIVE DEFENSE**(Comparative Fault)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, because any and all injuries alleged in the Complaint, the fact and extent of which PENAC specifically denies, were directly and proximately caused or contributed to by the statements, acts, and/or omissions of Plaintiff and/or third parties or entities, other than PENAC.

THIRTY-SECOND AFFIRMATIVE DEFENSE**(Failure To Plead Damages With Specificity)**

Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff has failed to plead damages with specificity as required by the federal laws cited.

THIRTY-THIRD AFFIRMATIVE DEFENSE**(Injury or Damages Offset by Benefits Received)**

Plaintiff's claims should be dismissed to the extent that they are barred, in whole or in part, because any claimed injury or damage has been offset by benefits Plaintiff received with respect to the challenged conduct.

THIRTY-FOURTH AFFIRMATIVE DEFENSE**(Proportionality)**

To the extent PENAC is found liable for damages, the fact and extent of which are expressly denied by PENAC, those damages must be reduced in proportion to PENAC's degree of fault.

THIRTY-FIFTH AFFIRMATIVE DEFENSE**(Release)**

The claims of one or more of the persons or entities Plaintiff purports to represent are barred because they have been released.

THIRTY-SIXTH AFFIRMATIVE DEFENSE**(No 'Full Consideration' Damages)**

Plaintiff's claims are barred, in whole or in part, because Plaintiff is not entitled to "full consideration" damages.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE**(Other Defenses Incorporated by Reference)**

PENAC adopts and incorporates by reference any and all other affirmative defenses asserted or to be asserted by any other defendant in this proceeding to the extent that PENAC may share in such affirmative defenses.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE**(Release)**

The claims of one or more of the persons or entities Plaintiff purport to represent are barred because they have been released.

THIRTY-NINTH AFFIRMATIVE DEFENSE**(Reservation of Rights to Assert Additional Defenses)**

PENAC has not knowingly or intentionally waived any applicable defenses and explicitly reserves the right to assert and rely on such other applicable defenses as may become available or apparent during discovery proceedings. PENAC further reserves the right to amend its Answer and/or its defenses accordingly, and/or to delete defenses that it determines are not applicable during the course of subsequent discovery.

WHEREFORE, PENAC prays as follows:

1. That the Plaintiff take nothing by way of the Complaint and the be dismissed with prejudice;
2. That judgment be entered in favor of PENAC and against Plaintiff on each and every cause of action set forth in the Complaint;
3. That PENAC recover its costs of suit and attorneys' fees incurred herein; and
4. That PENAC be granted such other and further relief as the Court deems just and proper.

Dated: August 25, 2014

Respectfully Submitted:

By: /s/ Erik T. Koons
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*Attorney for Defendant Philips Electronics
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CERTIFICATE OF SERVICE

On August 25, 2014, I caused a copy of “ANSWER OF PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO VIEWSONIC CORPORATION’S COMPLAINT” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ Erik T. Koons
Erik T. Koons (*pro hac vice*)